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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,412	08/03/2001	Robert W. Cantwell	131105.1006	7272
32914	7590	04/15/2008	EXAMINER	
GARDERE WYNNE SEWELL LLP INTELLECTUAL PROPERTY SECTION 3000 THANKSGIVING TOWER 1601 ELM ST DALLAS, TX 75201-4761			ROBERTS, BRIAN S	
		ART UNIT	PAPER NUMBER	
		2619		
		MAIL DATE		DELIVERY MODE
		04/15/2008		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/922,412	CANTWELL, ROBERT W.
	Examiner	Art Unit
	BRIAN ROBERTS	2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 January 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 5-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 6 and 12 is/are allowed.
 6) Claim(s) 1,5,7-11,13-18 and 20-22 is/are rejected.
 7) Claim(s) 19 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

- The Finality of the office action mailed 02/05/2007 is withdrawn.
- Claims 1 and 5-22 remain pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 7-11, 13-18, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Dupont. (US 7002976)

- In reference to claim 1

In Figures 10 and 11, Dupont teaches a system and method that includes a switch (70) having a plurality of ports for receiving framed data from a plurality of ports and switching the data to a plurality of ports, each frame of data including a header information, the switch operable to insert without removing any existing header information a customer port identifier into a predefined header field of frames of the data from each port to identify the port from which the data is received; and a multiplexer (62) coupled to the switch (70) and operable to multiplex the data frames from the plurality of ports into a single serial data stream, the multiplexer being operable to multiplex the

data from the plurality of ports into a single synchronous payload envelope. (column 11 line 25 - column 12 line 29)

- In reference to claim 5, 14, 20

In Figures 10 and 11, Dupont further teaches a subscriber access multiplexer (62) operable to receive the single serial data stream from the multiplexer (62), demultiplex the serial data stream into data from each port, and route the data based on the customer port identifier. (column 11 line 25 - column 12 line 29)

- In reference to claim 7, 15, 21

In Figures 10 and 11, Dupont further teaches a subscriber access multiplexer (62) operable to receive data from a plurality of sender nodes in a network and operable to insert the customer port identifier based on an IP address of the sender node of the data, and multiplex the data into a single serial data stream; the multiplexer (62) being operable to receive the single serial data stream from the subscriber access multiplexer (62) and demultiplex the data; and the switch (70) being operable to switch the demultiplexed data based on the customer port identifier to the plurality of ports. (column 11 line 25 - column 12 line 29)

- In reference to claim 8, 16, 19, 22

In Figures 10 and 11, Dupont further teaches a subscriber access multiplexer (62) operable to receive the single serial data stream from the multiplexer (62) and route

the data to a destination network node based on the customer port identifier, a MAC address and IP address in the data. (column 11 line 25 - column 12 line 29)

- In reference to claim 9

In Figures 10 and 11, Dupont teaches a method that includes receiving framed data from a plurality of ports, each frame of data including header information; adding a customer port identifier to the header information in the frames of data from each port, without removing header information, in order to identify the port from which the data came; multiplexing the data from the plurality of ports into a single data stream for transmission by synchronous transmission medium. (column 11 line 25 - column 12 line 29)

- In reference to claim 10, 18

In Figures 10 and 11, Dupont further teaches receiving data comprises receiving data from a plurality of Ethernet ports. (column 11 line 25 - column 12 line 29)

- In reference to claim 11

In Figures 10 and 11, Dupont further teaches multiplexing the data comprises multiplexing the data into a single synchronous payload envelope. (column 11 line 25 - column 12 line 29)

- In reference to claim 13

In Figures 10 and 11, Dupont further teaches converting the single serial data stream into SONET optical signals for transmission. (column 11 line 25 - column 12 line 29)

- In reference to claim 17

In Figures 10 and 11, Dupont teaches a method that includes receiving framed data from the plurality of ports, each frame of data including header information containing at least destination addresses; adding a customer identifier to a predetermined header field of the framed data from each port, without removing any header information, to identify the port from which the data came; multiplexing the data from the plurality of ports into a single synchronous payload envelope; and converting the multiplexed data into a optical signal for transmission. (column 11 line 25 - column 12 line 29)

Allowable Subject Matter

Claims 6 and 12 are allowed.

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Independent claim 6 is allowable because the prior record fails to teach or fairly

suggest a system or method that includes inserting a unique port identifier into a virtual LAN field of an Ethernet data frame to identify the port from which the Ethernet data frame is received.

Independent claim 12 is allowable and dependent claim 19 would be allowable because the prior record fails to teach or fairly suggest a system or method that includes inserting a unique port identifier into a virtual LAN field of a tagged MAC frame to identify the port from which the MAC frame is received.

Response to Arguments

Applicant's arguments with respect to the independent claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are:

- 2002/0176450
- 6996125
- 2002/0191617
- 7031341

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN ROBERTS whose telephone number is (571)272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wing F. Chan/
Supervisory Patent Examiner,
Art Unit 2619
4/14/08

BSR
04/14/2008